## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA		)
	Plaintiff,	) 8:08CR269 )
	vs.	) DETENTION ORDER
JE	SUS ROMAN-SORIANO,	<u> </u>
	Defendant.	<b>'</b>
A.	After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on July 29, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.	
C.	distribute methamphetam carries a minimum senter maximum of life imprison illegal alien in violation of each carry a maximum so distribution of methamphetame shotgun (Counts III and twenty years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violation sentence of ten years imprisonment shotgun (Count VI) in violati	and includes the following:     offense charged:     to distribute and possess with intent to ine (Count I) in violation of 21 U.S.C. § 846 ence of ten years imprisonment and a ament; the possession of a firearm by an 18 U.S.C. § 922(g)(5) (Counts II and IV) sentence of ten years imprisonment; the hetamine in violation of 21 U.S.C. § IV) each carry a maximum sentence of action of 26 U.S.C. 5861 carries a maximum prisonment.     violence.     arcotic drug.     ge amount of controlled substances, to wit:

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The defendant has a history relating to alcohol abuse.  X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.  (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence.  (c) Other Factors: X The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.
Other:
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment.
X_ (5) Rebuttable Presumptions
In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:  X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:  (1) A crime of violence; or  X (2) An offense for which the maximum penalty is life imprisonment or death; or  X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or  (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
<ul> <li>X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:         <ul> <li>X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.</li> <li>Y (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).</li> </ul> </li> </ul>

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Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 30, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge